



MINUTES

Charlotte County Board of Zoning Appeals

Wednesday, March 11, 2020 9:00 a.m. - Room 119

Charlotte County Administration Center
18500 Murdock Circle, Port Charlotte, FL 33948-1094

(These minutes are not official until they have been approved by the Charlotte County Board of Zoning Appeals)

Board Member:

Steve Vieira, Secretary
William Abbatematteo, Vice-Chair
Larry Fix
Blair McVety, Chair
John Doner

Staff:

Shaun Cullinan, Planning/Zoning Official
Thomas David, Asst. Co. Attorney
Stacy Bjordahl, Asst. Co. Attorney
Ken Quillen, AICP, Sr Planner
Elizabeth Nocheck, AICP, Sr. Planner
Diane Clim - Recorder

I. Call to Order

Chair McVety called the March 11, 2020 meeting of the Board of Zoning Appeals to order at 9:00 a.m.

II. Pledge of Allegiance

Chair McVety led the members and the audience in reciting the Pledge of Allegiance.

III. Roll Call

Roll call was taken; a quorum was present.

IV. Swearing In of Those Giving Testimony

Diane Clim swore in all persons who wished to provide testimony.

V. Approval of Minutes

ACTION: A motion was presented by Mr. Fix and seconded by Mr. Abbatematteo to approve the minutes of the February 12, 2020 meeting of the Board of Zoning Appeals which passed with a unanimous vote.

VI. Disclosure Statements

Ex-parte forms indicating site visits concerning the petitions being presented before the March 11, 2020 Board of Zoning Appeals meeting were submitted.

VII. Introduction of Staff/Comments

Chair McVety introduced staff. Shaun Cullinan, Planning and Zoning Official, read the Zoning rules, Asst. County Attorney David and Chair McVety made introductory remarks regarding the types of requests that the Board of Zoning Appeals would be reviewing and the standards which must be met, the notification process and how the Board of Zoning Appeals makes its decision.

VIII. New Business

The following petitions were advertised on February 25, 2020: VAR-20-002 and SE-20-003

VAR-20-002

Donna and Bob Negrich, agent for Brian Hall, are requesting a variance to reduce the required 7.5-foot side yard setback by 2.5 feet to allow a 5-foot side yard setback for an existing detached accessory structure in the Residential Single Family-5 (RSF-5) zoning district. The property address is 2458 Mocking Bird Street, Port Charlotte, Florida, and is described as Lot 3, Block 312, of Port Charlotte Section-21 Subdivision, located in Section 18, Township 40 South, Range 22 East.

Ken Quillen read into the record the staff report and staff findings for the petition.

Mr. Abbatematteo asked in the staff report, it says Lot 3 was purchased in 2003 and combined with the other lot. A building permit was obtained for this structure. You mentioned the building permit for the accessory structure was never finalized. How does this pertain to the variance?

Mr. Quillen said it doesn't really apply to the zoning issues, but the permit was never finalized. No inspections were done.

Mr. Abbatematteo said in 11 years?

Mr. Quillen said that's right.

Applicant Presentation

Donna Negrich, agent for the applicant, said she was sworn in. **Ms. Negrich** said from the picture, they have 20 feet which backs up to lot 3. Our intention is to paint the building, complete the construction that was started. The biggest reason it was not completed, he started construction in 2003, August of 2004 was the hurricane Charley and from that point on, it went down hill for the owner of the property. The owner is married to my niece who was living behind them. They lost the house through a foreclosure. They were able to save the lot because it was not in with the mortgage loan. They want to clean this up, put in the culvert and driveway and it will be attached to her property behind it, and it will be their garage.

Mr. Vieira asked if they have a sales contract to purchase the lot?

Ms. Negrich replied yes, but only if this variance goes through.

Chair McVety opened the meeting to Public Hearing.

Public Input

John Bradley, who lives next door, said he was sworn in. **Mr. Bradley** said this structure has other zoning violations besides this setback by his property. He said the property is in the far corner by his property. He said the owner Mr. Hall, told him 2 or 3 times, he would be tearing the building down. He said the building looks out of place.

Mr. McVety said but the garage was being built when you purchased the house?

Mr. Bradley replied, yes, it was. He said he spoke with the owner then, it was up for sale, but then he wouldn't sell it. Time just goes on. He said last time he spoke with the owner, the owner said he would tear it down.

Brian Hall, who owns the lot with the garage, said he was sworn in. **Mr. Hall** said he did not expect this when he started the garage. The bank split these two lots up and I was left with this. When **Mr. Bradley** purchased the house, he talked to me about buying this lot. **Mr. Hall** said he thinks he told **Mr. Bradley** \$30,000 because he already had over \$15,000 into the material. I did not know back then I could sell to my wife's Aunt. He said once I found that out, I felt better because it's going to family.

There being no further requests to speak for or against the petition, Mr. Fix moved to close the public hearing, seconded by Mr. Vieira. The public hearing was closed with a unanimous vote.

Ken Quillen presented the recommended conditions for the petition.

Board Member Comments and Questions

Mr. Vieira asked if there is a time limit for them to finish the garage? The special exception says it is good for 3 years.

Mr. Quillen said no, they did not think that was necessary because the garage can stay if the variance is approved. If he does nothing after this hear, Code enforcement will be after him because of the Code violation.

Mr. Abbatematteo asked for information on the 3,000 sf and why it would apply to this petition.

Mr. Quillen said in residential zoning districts, accessory structures are limited to a certain size. 1000 sf is the maximum on an average lot. If you have more than half an acre, you can have up to 3,000 sf total for accessory structures. It is a percentage of the size of your lot.

ACTION: A motion was presented by Larry Fix and seconded by Steve Vieira that Petition VAR-20-002 be APPROVED based on the Community Development Staff Report dated March 4, 2020, the evidence and testimony presented at the hearing and finding that the applicant HAS MET the required criteria for the granting of the Variance with four conditions recommended by staff.

Motion was approved with a unanimous vote with the following four conditions:

1. The variance, as approved by the Board of Zoning Appeals, is to reduce the required 7.5-foot side yard setback by 2.5 feet to allow a five-foot side yard setback, and to allow the existing accessory structure to remain "as is" and to bring the existing non-conforming setback into conformity with code.
2. The variance shall only apply to the existing detached accessory structure as shown in the documents submitted with this application.
3. If the detached accessory structure is removed or replaced in the future this variance shall expire and all future development must be constructed according to all applicable codes in existence at that time, unless a new variance is granted specific to the development proposed at that time.
4. This variance approval does not make the present illegal use a legal use. The accessory structure must be made a legal accessory use by either constructing a single-family residence on subject

property or combining subject property with an abutting property that contains a single-family residence.

SE-20-003

Tim Thompson is requesting a special exception to allow a 4,000 square foot detached accessory structure in the Residential Estate-1 (RE-1) zoning district. The property address is 24629 Nova Lane, Port Charlotte, Florida, and is described as Tract T82S, located in Section 17, Township 40 South, Range 23 East.

Elizabeth Nocheck read into the record the staff report and staff findings for the petition.

Applicant Presentation

Tim Thompson, applicant, said he was sworn in. Mr. Thompson said I am proposing to put in a 4,000 sf building to alleviate my vehicles and tractors from being outside. I agree with conditions.

Chair McVety opened the meeting to Public Hearing.

Public Input

Tom D'Aprile, who lives next door, said he was sworn in. Mr. D'Aprile said he is not opposing this operation or building, but this area has had people running businesses out of their large garages. It has been stopped but I want to make sure Tim understands he cannot run a business out of this large garage.

There being no further requests to speak for or against the petition, Mr. Fix moved to close the public hearing, seconded by Mr. Abbatematteo. The public hearing was closed with a unanimous vote.

Elizabeth Nocheck presented the recommended conditions for the petition.

Board Member Comments and Questions

Mr. Vieira asked Item #4, we have a term of three years. Is this based on code?

Ms. Nocheck said this is the typical date we use, 3 years. They need to start construction within 3 years or the special exception will expire.

ACTION: A motion was presented by Larry Fix and seconded by Steve Vieira that Petition SE-20-003be APPROVED based on the Community Development Staff Report dated March 4, 2020, the evidence and testimony presented at the hearing and finding that the applicant HAS MET the required criteria for the granting of the Special Exception with five conditions recommended by staff.

Motion was approved with a unanimous vote with the following five conditions:

1. This special exception, as approved by the Board of Zoning Appeals, is to allow a new 4,000-square foot garage on subject property generally as proposed in the application and shown on the **Concept Plan** labeled Exhibit D. The Concept Plan submitted by the applicant as part of the petition is for illustrative purposes only.
2. This special exception extends only to the lands included in the Concept Plan and legal description submitted with this application.

3. All regulations of Charlotte County Code shall apply to this development as applicable, including but not limited to, the code requirements in sub-section 3-9-32(c) of the Residential Estates (RE) zoning district.
4. This Special Exception is granted for a term of three years from the date it receives approval from the Board of Zoning Appeals; however, the Special Exception shall not expire if the owner commences the proposed development on or before the Special Exception's term expires.
5. Any major changes or additions to this special exception shall require a modification of the special exception, including the addition of any new accessory structures or expansion of existing accessory structures. Minor changes or additions such as accessory uses may be approved by the Zoning Official.

IX. **Public Comments** - None

X. **Staff Comments** –

Mr. Quillen said there is one petition for the April meeting.

Shaun Cullinan, Planning & Zoning Official, said Claire Jubb our Community Development Director took a position in Administration and Ben Bailey, Building Official is the Interim Community Development Director. He could not attend today, but hopefully he will be here for the next meeting and I will introduce him to you then.

XI. **Member Comments** - None

XII. **Next Meeting**

*The next meeting of the Board of Zoning Appeals is scheduled for **Wednesday, April 8, 2020 at 9:00 a.m., in Room 119.***

There being no further business, the meeting **ADJOURNED** at 9:53 a.m.

Respectfully submitted,
Diane Clim, Recorder
/dlc



Blair McVety, Chair

Approval Date: June 10 2020